

## **REMARKS**

Claims 23-28 are pending in this application.

### **I. DOUBLE PATENTING REJECTION**

Claims 23-28 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-11 of U.S. Patent No. 6,255,477. The Examiner asserted that Claims 23-28 would have been obvious from the magnetic particles and method of their use claimed by the patent.

In view of the newly-provided references in the Supplemental Information Disclosure Statement enclosed herewith, while not admitting the relevance of any of the references or that the claims of the above-identified patent application are not patentably distinct from claims 1-11 of U.S. Patent No. 6,255,477, Applicants, upon indication of allowable subject matter after consideration of the additional references, will submit a Terminal Disclaimer under 37 C.F.R. § 1.321(c) of the above-identified application.

## **CONCLUSION**

Applicants respectfully request entry of this reply and consideration of the foregoing remarks.

Respectfully submitted,

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